IN THE HIGH OF UTTARANCHAL AT NAINITAL

Writ Petition No. 817 of 2005 (M/B)

1. Sri S.K. Agrawal S/o Sri Gopal Chandra,
Founder / Promoter,
M/s Kumar Bronze Powders Ltd.,
(Under Liquidation) and Trustee of
Kumar Bronze Powders Provident Fund,
3/13 Asaf Ali Road, New Delhi.
2. Sri Mohan Lal,
Employees' Representative,
3/13B Asaf Ali Road, New Delhi
of M/s Kumar Bronze Powders Ltd.,
(Under Liquidation). …….. Petitioners

Versus

State Bank of India,
through Chief Manager,
Ranikhet, Almora and 25 others. …….. Respondents

Mr. Amit Kumar Mishra and Mr. Ranjit Saxena, Advocates for the petitioners.
Mr. Anil Dabral and Mr. D.S. Patni, Advocates for respondents Nos. 1 & 4.
Mr. Subhash Upadhyaya, Standing Counsel for the State of Uttaranchal.
Mr. Siddhartha Bisht, Advocate for respondents Nos. 5 to 26.

JUDGMENT

Coram: Hon. Rajeev Gupta, C.J.
Hon. P.C. Pant, J.

RAJEEV GUPTA, C.J. (Oral)

Mr. Ranjit Saxena and Mr. Amit Kumar Mishra, Advocates for the petitioners.

Mr. D.S. Patni and Mr. Anil Dabral, Advocates for respondents Nos. 1 & 4.

Mr. Subhash Upadhyaya, Standing Counsel for respondent No. 3 State of Uttaranchal.

Mr. Siddhartha Bisht, Advocate for respondents Nos. 5 to 26.

2. The petitioners have filed this writ petition for the following reliefs:

> "i. Issue a writ or direction in the nature of mandamus directing to the respondents to release the EPF money along with 9.5% interest.

ii. Issue a writ or direction in the nature of mandamus directing to the respondents and also to pay damages to the petitioner No. 1 and petitioner No. 2 and the other employees.

iii. Issue any other writ, order or direction as this Hon'ble Court may deem fit and proper under the circumstances of the case.

iv. Award the cost of the petitioner."

3. In the counter affidavit filed on behalf of respondents Nos. 5 to 26, most of the factual averments of the petitioners have been disputed.

4. Thus, it is apparent that without deciding the disputed questions of fact involved in the case, the reliefs sought by the petitioners cannot be granted.

5. In this view of the matter, we decline to interfere in the matter in exercise of our jurisdiction under Article 226 of the Constitute of India leaving it open to the petitioners and respondents Nos. 5 to 26 to approach the competent Civil Court for the redressal of their grievances.

6. With the above observation, the writ petition stands disposed of.

(P.C. Pant, J.) **(Rajeev Gupta, C.J.)**
25.02.2006 **25.02.2006**

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